

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| AMERIWAY CORPORATION, | : | |
| | : | |
| Plaintiff, | : | |
| | : | 19-CV-9407 (VSB) |
| - against - | : | |
| | : | <u>ORDER</u> |
| | : | |
| MAY YAN CHEN and ABILITY CUSTOMS, | : | |
| INC., | : | |
| | : | |
| Defendants. | : | |
| | : | |
| -----X | | |

VERNON S. BRODERICK, United States District Judge:

I am in receipt of the parties' joint status letter submitted October 24, 2024. (Doc. 200.) Defendants seek leave to file: (1) a motion to dismiss or for judgment on the pleadings related to Plaintiff's standing; (2) a motion to stay the case pending the resolution of their interlocutory appeal; (3) a motion to drop Defendant Ability Customs, Inc. (*See id.*) Plaintiff opposes the first request, does not oppose the second, and expresses no opinion on the third. Accordingly, it is hereby:

ORDERED that Defendants' requests for leave to file motions related to Plaintiff's standing and related to Defendant Ability Customs, Inc. are DENIED without prejudice to raising these issues in any summary-judgment briefing.

IT IS FURTHER ORDERED that Defendants' request for leave to file a motion to stay the case pending resolution of the interlocutory appeal is GRANTED. Defendants shall file their opening brief by November 12, 2024. Plaintiff's response, if any, shall be due November 19, 2024. Each party's submissions shall not exceed five (5) double-spaced pages. Defendants may not file a reply brief without the approval of the Court.

SO ORDERED.

Dated: October 28, 2024
New York, New York

A handwritten signature in black ink, reading "Vernon S. Broderick". The signature is written in a cursive, flowing style with a horizontal line underneath the name.

Vernon S. Broderick
United States District Judge